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Kuwait*

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Part I

Core document

A. General information about the State of Kuwait

Demographic, economic and sociocultural characteristics

1. The State of Kuwait lies in the north-west corner of the Arabian Gulf between 28°45' and 30°05' north and 46°30' and 48°30' east and has an overall surface area of 17,818 square kilometres. The country's official language is Arabic, its religion is Islam and it has more than 3 million inhabitants. In fact, in mid-2012 the number of inhabitants stood at 3,806,643 of whom 1,195,806 (31.4 per cent) were Kuwaitis and 2,610,837 (68.6 per cent) were non-Kuwaitis. Kuwait is a member of the Arab Gulf Cooperation Council, the League of Arab States, the Organization of the Islamic Conference and the United Nations. Economically, Kuwait is one of the world's major producers and exporters of petroleum and is a founding member of the Organization of Petroleum Exporting Countries (OPEC). The country is located in a desert region and therefore has a continental climate characterized by long, hot and dry summers and short, temperate winters with occasional rain.

2. Kuwait is a developed country in terms of social indicators. In 2008, some 99 per cent of adults held educational qualifications and the enrolment rate in primary and intermediate education was 100 per cent. The average annual per capita income in 2008 was US$ 43,100 but Kuwait has subsequently gone on to have the third highest annual per capita income in the world: US$ 53,000 in 2013.

3. Kuwait is committed to providing free health care at every stage of life as a human right under articles 10, 11 and 15 of the Constitution. In 2012, the Ministry of Health had six general hospitals, i.e. one for each health district, nine specialized hospitals in the Al-Sabah Health District, 94 primary health-care centres and 73 diabetes clinics. Health-care services are provided on a fair and equal basis to all, including citizens, foreign residents, elderly persons, children, persons with special needs, women, young people and workers.

4. Kuwait has also devoted particular attention to the right to education. Education at all levels, from kindergarten to university, has been free since 1965 and school attendance is compulsory at the primary and intermediate levels. In the academic year 2014/15, expenditure on education accounted for 9 per cent of the State budget. Illiteracy has fallen to less than 2 per cent and most illiterate persons are over the age of 60. Persons with disabilities are provided with a full range of educational services, some being integrated in regular classes while others attend special schools.

The constitutional, political and legal structure of the State

5. Kuwait is an independent and fully sovereign Arab State. Its religion is Islam, its official language is Arabic and its form of government is democratic. The explanatory note to the Constitution makes it clear that this democratic system represents a middle way between a parliamentary system and a presidential system and embodies truly democratic principles. Thus, the system of governance in Kuwait is based on the constitutional principle of the separation of powers and cooperation among them.

6. One entire part of the Kuwaiti Constitution, subdivided into five chapters, is devoted to those powers. The first chapter begins by stating that legislative authority is vested in the Amir and the National Assembly in accordance with the Constitution. Executive authority

is vested in the Amir, the Council of Ministers and the ministers in their respective capacities while judicial authority is vested in the courts, which exercise their powers in the name of the Amir and within the limits set by the Constitution.

The second chapter covers the prerogatives of the Head of State:

(a) He exercises his authority through his ministers and he appoints and may dismiss the Prime Minister;

(b) He is the Commander-in-Chief of the Armed Forces and he appoints and dismisses officers in accordance with the law;

(c) He issues regulations for the implementation of laws, as well as the regulations needed for the organization of the State's public services and departments;

(d) He appoints civil and military officials and political representatives to other States.

The Amir also has other prerogatives in addition to those listed above:

The legislature: Under article 79 of the Constitution, legislative power is vested in the Amir and the National Assembly, which is made up of 50 members directly elected by universal secret ballot for a term of four years. Under the Constitution, it is the National Assembly which promulgates legislation. Provisions relating to the legislature are set forth in the third chapter of the aforementioned part.

The executive: Executive authority is vested in the Amir and the Council of Ministers. The Council controls departments of State, formulates general government policy, oversees its implementation and supervises the smooth running of the State's administrative bodies. Each minister supervises the affairs of his own ministry, implements general government policy, formulates ministerial directives and ensures that they are carried out.

The judiciary: Judicial authority is vested in the courts, which exercise their powers in the name of the Amir. Judicial independence is guaranteed by the Constitution and by law on the basis of the principle that the honour of the judiciary and the integrity and impartiality of judges are the bedrock of governance and a guarantee of rights and freedoms. Judges are subject to no authority in their administration of justice and the law guarantees the independence of the judiciary and provides safeguards and special provisions for judges. The Constitution devotes a separate chapter to the judiciary.

B. General framework for the protection and promotion of human rights

7. Kuwait has acceded to the following international human rights instruments:

No.	*Treaty*
1.	The Slavery Convention of 1926;
2.	The Protocol amending the Slavery Convention of 1926;
3.	The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;
4.	The International Convention on the Elimination of All Forms of Racial Discrimination;
5.	The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Other ;

No.	Treaty
6.	The International Convention on the Suppression and Punishment of the Crime of Apartheid;
7.	The Convention on the Rights of the Child;
8.	The Convention on the Elimination of All Forms of Discrimination against Women;
9.	The Convention on the Prevention and Punishment of the Crime of Genocide;
10.	The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
11.	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
12.	The International Covenant on Civil and Political Rights;
13.	The International Covenant on Economic, Social and Cultural Rights;
14.	The International Convention against Apartheid in Sports;
15.	The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
16.	The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
17.	The International Labour Organization (ILO) Minimum Age Convention (No. 138) of 1973;
18.	The International Labour Organization (ILO) Worst Forms of Child Labour Convention (No. 182) of 1999;
19.	The Convention on the Rights of Persons with Disabilities;
20.	The Arab Charter on Human Rights.

8. The Kuwaiti Constitution may be regarded as a political and legal umbrella for the general rules which govern human rights in Kuwait. A number of the country's laws relating to certain aspects of everyday life were enacted before the promulgation of the Constitution with the object of ensuring justice for persons in Kuwait. Those laws include the Criminal Code and the Code of Criminal Procedure, both of which date from 1960. The Constitution also has a very clear human rights focus, its aim being to achieve a better future and greater prosperity for citizens and preserve the country's good international standing in keeping with the Arab tradition of taking pride in personal dignity.

9. In view of the vital importance of human rights, most of the constitutional provisions enshrine the internationally recognized principles in that regard which are set forth in international instruments. The establishment of the Constitutional Court pursuant to Act No. 14 of 1973 has further served to safeguard these rights and freedoms and ensure their effective application. The right of appeal to the Constitutional Court was confirmed by Act No. 109 of 2014 which allows persons to challenge the constitutionality of laws and regulations by bringing a case directly before the Court.

Human rights principles in Parts I and II of the Constitution

10. Rights and freedoms figure prominently in Kuwait's Constitution, most of the articles of which contain explicit provisions relating thereto. These include:

- Article 6 which states that the people are the source of all authority and sovereignty inheres in the nation;
- Article 7 which refers to justice, equality and freedom;
- Articles 9 and 10 which afford protection for the family, motherhood, childhood and young people;
- Article 11 which extends care and social security to all citizens when elderly, sick or unable to work;
- Article 13 which guarantees free State education;
- Article 14 which promotes science and the arts and encourages scientific research;
- Article 15 which covers the right to health care;
- Articles 16 and 17 which enshrine the right of individuals to own property and safeguard the inviolability of public property;
- Article 18 which enshrines the inviolability of private property and states that such property may not be expropriated except in the public interest, under the legally specified circumstances and on condition that fair compensation is paid;
- Article 26 which concerns the right of access to public office.

Human rights principles covered by part III of the Constitution

11. This part focuses on public rights and obligations and contains many of the principles enshrined in international human rights instruments, as illustrated by the following:

- Article 27 whereby citizenship may be forfeited or withdrawn only within the limits prescribed by law;
- Article 28 which states that no Kuwaiti may be expelled from the country;
- Article 29 which enshrines equality and non-discrimination on the grounds of race, origin, language or religion and states that all citizens are equal before the law in regard to their public rights and obligations;
- Article 30 enshrines personal freedom; article 35 freedom of belief; article 36 freedom of opinion and scientific research; article 37 freedom of the press, printing and publishing; article 38 freedom of private life and residence; article 43 freedom of communication by post, telegraph and telephone, and freedom to form associations and trade unions, and article 44 the right of assembly;
- Article 31 which states that no individual may be arrested, imprisoned, tortured or compelled to reside in a specific place, restricted in his freedom, place of residence or movement or subjected to torture or degrading punishment;
- Article 32 which states that there can be no crime or penalty except as provided by law;
- Article 34 which states that an accused person is presumed innocent until his guilt is established at a lawful trial in which the right to a defence shall be guaranteed;

- Article 40 which enshrines the right to free education at all levels and makes primary education compulsory;
- Article 41 which confirms the right to work;
- Article 46 which prohibits the extradition of political refugees;
- Article 48 which exempts persons with low incomes from taxation.

Principles covered by part IV of the Constitution

12. The five chapters comprising this part explain the foundations of the system of governance in Kuwait and define the three powers with their respective prerogatives and functions. The principle of the separation of powers is enshrined in article 50. Chapter 5 sets forth important fundamental principles regarding the judiciary and states that the integrity of the judiciary is the foundation which underpins governance and guarantees rights and obligations. The following principles are emphasized:

- The independence of the judiciary and the freedom of judges from interference (art. 163);
- The right to legal redress (art. 164).

13. The Constitutional Court was established pursuant to Act No. 14 of 1973. It has sole authority to interpret the text of the Constitution and rule on all disputes relating to the constitutionality of laws, legislative decrees and regulations. Rulings of the Constitutional Court are binding upon all parties and upon other courts.

Kuwait has made great strides in the field of human rights as they relate to education, as can be seen from the following:

National policy regarding human rights education

14. Education and human rights are interlinked insofar as education is recognized as a right in itself while, at the same time, being a vehicle for the teaching of human rights. Kuwait has played a prominent role in this area through its national policies on human rights education.

Arab Plan for Human Rights Education 2009-2014

15. Kuwait played an effective and leading role in drafting the Arab Plan for Human Rights Education under the auspices of the League of Arab States. The Plan, which was adopted unanimously by the Arab States at the Arab Summit Conference held at Damascus in 2008, had the following objectives:

(a) Integration of human rights into the education system at all levels;

(b) Professional development and training of staff in the field of human rights education;

(c) Creation of an appropriate educational environment for human rights education;

(d) Action to broaden community participation in the dissemination of a human rights culture.

16. The Arab Plan for Human Rights Education focuses on a number of general principles, the most important of which are:

(a) Universality and inclusiveness: everyone enjoys the same rights and there can be no grounds for discrimination between persons;

(b) Comprehensiveness and integration: human rights form a single indivisible and indissociable whole;

(c) Equality and non-discrimination: the enjoyment of human rights is every individual's due without any form of discrimination on the basis of race, colour, gender, language, religion, political or other opinions, racial, national or social origin, wealth, place of birth or any other status;

(d) Participation: all individuals and peoples have the right to participate effectively and meaningfully in social and economic development.

Analysis of the current situation of human rights education

17. Human rights education may currently be regarded as being at a stage in which the work accomplished in previous stages is being rounded off and completed and the subject is being taught in accordance with general humanitarian values.

Academic curricula

18. When organized State education in Kuwait began, there was a clear emphasis on basic teaching and learning in all its cognitive, affective and vocational aspects. Accordingly, all human values, including human rights, peace, democracy, tolerance, etc., are found in the academic curricula. These values are inculcated through:

(a) Educational objectives in Kuwait at all levels (general, grade-related and behavioural);

(b) Inclusion of these values, either explicitly or implicitly, in textbooks. These concepts and values are highlighted in textbooks on Islam, Arabic language, social studies and other subjects;

(c) Emphasis on daily life experiences and on practical exercises in the educational setting;

(d) Numerous surveys to determine whether those values are effectively present in the academic curricula and establishment of a mechanism to ensure their inclusion therein.

19. Kuwait has taken a number of steps to respond to recent changes in various aspects of education, both at home and abroad, and to the urgent need to inculcate humanitarian values such as human rights, democracy, peace and international understanding. Since the mid-1990s, it has established specialized committees to find ways to develop the curricula in a manner that takes account of human rights and democracy and paves the way for the attainment of those goals.

20. In the year 2000, a specialized committee was established to develop the teaching of the Constitution, human rights and democracy, one of its main functions being to design programmes dealing expressly with those concepts. This was followed by the formation of drafting committees to prepare the content of those programmes. In 2006, a new committee was formed, consisting of specialists in the following fields: international law, the Constitution, human rights, political science, basic principles of education, social science, Arabic language and curriculum management.

21. The committee's work has proceeded as follows:

(a) Definition of a philosophy for the teaching of the Constitution and human rights;

(b) Preparation of a conceptual and cognitive framework along lines that reflect the scope and continuity of this field of study, with each stage serving as a preparation for the next;

(c) Formulation of general objectives;

(d) Formulation of specific objectives for each grade;

(e) Preparation of study material and related activities;

(f) Subdivision of the study material in the following manner:

Grade 10: Principles of democracy, the Constitution and human rights.

Grade 11: The concept, importance, characteristics and origins of human rights, together with a detailed study of particular rights, such as the right to life, equality, human dignity, freedom of belief, opinion and expression, education, women's rights, the rights of the child, political rights and the duties of the individual.

Grade 12: The Constitution and public powers.

22. The committee has taken into account the need to:

(a) Develop an intellectual and cognitive structure to distinguish the subject from others and endow it with the status of a specialized subject with its own array of intellectual, educational, legal and political components;

(b) Emphasize direct, goal-oriented teaching to ensure that students derive maximum benefit from their studies, retain a sound understanding of the technical terms involved and obtain a good grasp of the content;

(c) Prepare a teacher's manual;

(d) Keep in touch with the field through meetings and educational seminars;

(e) Organize a training course for social science mentors;

(f) Organize a training course for teachers of the Constitution and human rights.

The philosophy behind the curriculum on the Constitution and human rights

23. It is of the utmost importance for students to be able to study the concept of democracy, the provisions of the Constitution, and human rights and the purposes thereof within an unbiased legal and educational context. In this way they will be able to acquire a body of valid knowledge and sound ideas and understand the differences between States or individuals in regard to the application of democracy while avoiding discord or anything else which could affect our national unity.

24. In the light of the foregoing, the philosophy behind the curriculum on the Constitution and human rights is based on:

(a) The importance of the Constitution and its provisions defining the relationship between individuals and the Government, and between one individual and another, which regulate the political, economic and social aspects of people's lives, safeguard their rights and specify their obligations;

(b) A holistic approach which views human rights as universal and as an integral part of human life; indeed, as the very basis of human existence, happiness and welfare insofar as those rights ensure human dignity, justice, equality and all that is conducive to the well-being and prosperity of individuals and society.

25. The philosophy of the Constitution and human rights takes concrete form in general educational concepts — such as knowledge, values, attitudes, skills and applications — within the following frameworks:

Knowledge: Facts and information relating to the Constitution and human rights are presented in such a way as to create a solid structure of knowledge and an awareness and understanding of their importance.

Values and attitudes: Values associated with the Constitution and human rights are set forth in such a way as to create a positive attitude towards them and inculcate a sense of their importance for individuals and society.

Skills and applications: Social skills, study skills and their practical application in various situations are taught with reference to the Constitution and human rights.

26. The Islamic sharia and the provisions of the Constitution, the law and international instruments are the pillars underpinning the philosophy, content and objectives of the curriculum on the Constitution and human rights.

General objectives of the curriculum on the Constitution and human rights

27. On the basis of the philosophy outlined above, the curriculum on the Constitution and human rights aims to strengthen students' attachment and allegiance to the homeland through their personal intellectual, affective and social development and help them to apply what they have learned in their daily lives through:

(a) Awareness of the importance of democracy, the Constitution and human rights;

(b) Familiarity with facts and information relating to democracy, the Constitution and human rights;

(c) Preparation for everyday life in accordance with the principles of democracy, the Constitution and human rights;

(d) Inculcation of the human values enshrined in the Constitution and human rights;

(e) Fostering of positive attitudes toward democracy, the Constitution and human rights;

(f) Development of allegiance and attachment to their country.

Development of critical thinking skills

28. The Constitution and human rights curriculum has been taught since the 2006 academic year, beginning with grade 10 then continuing with grade 11 in 2007 and with grade 12 in 2008.

Teachers

29. The success of any educational project depends to a large extent on teachers, because it is they who actually teach programmes and act as the connecting link between decision makers and the field. The importance of teachers necessitated the holding of specialized training courses and, to this end, the Ministry of Education has taken the following measures:

(a) Enrolment of a number of teachers and technical instructors in local, regional and international specialized training courses and workshops on the teaching of human rights, international humanitarian law and democracy;

(b) Organization of training courses for technical instructors;

(c) Organization of training courses for teachers under the supervision of technical instructors;

(d) Organization of seminars and discussion groups to promote awareness about education in democracy and human rights;

(e) Ongoing media campaigns on those concepts and the teaching thereof.

Students

30. As the following indicators show, the Ministry of Education regards students as being of particular importance in the field of democracy and human rights education:

(a) Topics with a bearing on human rights and democracy are implicitly present in all teaching programmes;

(b) Specialized subjects such as proficiency in the Constitution, elections and non-violence are taught at the intermediate level;

(c) The Constitution and human rights are taught at the secondary level;

(d) An annual competition is held on democracy and the Constitution;

(e) Various competitions are organized on such matters as research, report writing and drawings with a bearing on human rights;

(f) These concepts are reinforced through summer and extramural activities;

(g) Students make field visits to entities concerned with human rights, such as the Kuwaiti Human Rights Association and the National Assembly, etc.;

(h) Cultural seminars have been held to disseminate an awareness of the concepts of human rights and democracy among students;

(i) The University of Kuwait offers a specific course on human rights.

Teaching human rights outside the school setting

31. Human rights, being of a cultural nature, are universal and interrelated and it is therefore impossible to focus exclusively on the school setting while ignoring the extramural environment. Accordingly, a major concern has been the propagation and teaching of human rights in society as a whole, with the active participation of civil society organizations. This is where the role of the media has come to the forefront as — in contrast to the view which sees education as something that takes place exclusively inside schools — it helps to propagate and teach human rights.

32. Kuwait has endorsed the Arab Plan for Human Rights Education, the first part of which addresses the issue of human rights education in schools while the second part focuses on such education in other institutions. The objectives of the plan in that regard are set forth below.

Training

33. Training in this area targets groups which play a direct and fundamental role in educating people about individual and collective rights and are thereby are instrumental in shaping public opinion. They include teachers and supervisory personnel within youth associations, women's clubs, summer camps, centres for the protection of juvenile offenders, sports associations and civil society organizations of all kinds. Training in

human rights education at social development institutions other than schools pursues the following objectives:

(a) Making the training of specialists in the field of human rights education an institutional activity;

(b) Creation and adaptation of educational programmes and tools in accordance with sectoral needs;

(c) Encouragement of partnerships and promotion of closer relations between, on the one hand, institutions, organizations and training centres specializing in the field of human rights and, on the other, media, scientific, cultural and technical institutions, while also seeking to ensure effective communication among all partners.

Awareness-raising

34. Awareness-raising is aimed at various components of society, including institutions, groups and individuals, and especially those previously untouched by education and training activities in the field of human rights. Awareness-raising in human rights education through social development institutions other than schools pursues the following objectives:

(a) Enabling a broad spectrum of social groups to benefit from awareness-raising programmes focusing on human rights;

(b) Ensuring the inclusion of human rights awareness-raising activities in the programmes of political, economic and cultural institutions;

(c) Promoting a culture of dialogue on the values, principles and concepts of human rights among all components of society.

35. Possible awareness-raising programmes might include:

(a) Offering training to specialists with experience of awareness-raising in other fields;

(b) Producing a variety of media programmes on human rights education;

(c) Monitoring media programmes to determine the extent to which they are consistent with the values and principles of human rights;

(d) Enlisting the cooperation of cultural specialists in the planning of human rights awareness-raising activities;

(e) Encouraging mosques and other places of worship, as well as civil society organizations, to play an active role in propagating a culture of human rights.

C. Information relating to non-discrimination, equality and the remedies available to the judicial and administrative authorities which have jurisdiction in matters covered by the Convention

36. Article 1 of Legislative Decree No. 23 of 1990 regulating the judiciary, as amended by Act No. 10 of 1996, lays down the following two basic principles:

- Firstly, the courts have jurisdiction to rule on all civil, commercial, administrative and personal status disputes, as well as on criminal cases. The purpose of this provision is to standardize the court system in the State, thereby ensuring equality among litigants;
- Secondly, the rules governing the type or degree of a court's jurisdiction are established by law. No lesser statutory instrument may regulate or alter that

jurisdiction. Under the above-mentioned Act, the courts of Kuwait comprise the Court of Cassation, the Court of Appeal, the Court of First Instance and the Court of Summary Procedure.

37. In the light of the above, the following comments may be made:

- Under article 166 of the Constitution, the right to seek legal remedy is guaranteed to every individual claiming that any of his or her rights have been violated in Kuwait. The claimant is entitled to apply to a Kuwaiti court to uphold his or her right and obtain redress for the detriment suffered. Legislative Decree No. 23 of 1990 regulating the judiciary also serves to reinforce the principle of judicial independence;
- The Code of Criminal Procedure, in conformity with international standards of justice, provides litigants with legal safeguards including a public trial and the right to be represented by counsel;
- The provisions of the Convention are implemented in accordance with the mechanism set forth in article 70 of the Constitution:

> "The Amir shall conclude treaties by decree and shall transmit them immediately to the National Assembly, accompanied by all relevant details. A treaty shall have force of law after it has been concluded, ratified and published in the Official Gazette.
>
> Peace treaties or treaties of alliance; treaties concerning the territory of the State, its natural resources or sovereign rights, or the public or private rights of citizens; treaties concerning trade, shipping or residency, and treaties entailing expenditure not provided for in the budget, or involving amendment of the laws of Kuwait, shall enter into force only after being promulgated by a legislative enactment.
>
> In no case may treaties include secret clauses which conflict with their public provisions."

38. Publication is the final phase in the legislative process. Its purpose is for the executive authority to make the legislation known so that it can be put into effect. Laws are published in Arabic in the Official Gazette within two weeks from the date of their promulgation and they enter into force one month after their publication. However, this time frame may be extended or shortened by a specific provision of law. Upon its publication in the Official Gazette and the expiration of the specified time limit, a law enters into force and thus becomes binding upon all parties, regardless of whether they are aware or unaware of its publication. Publication is a prerequisite for legislation of all kinds and constitutes a directive to all agencies and authorities to apply the law in their respective areas of competence.